

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 07-cr-1015 (LAK)
:
-against- : REQUESTED
MICHAEL DEDE, : VOIR DIRE
:
Defendant. :
-----x

MICHAEL DEDE'S REQUESTED VOIR DIRE

Michael Dede, the defendant in the above-captioned action, respectfully requests, pursuant to Fed. R. Crim. P. 24 (a)(2)(B), that the Court ask the following questions in addition to its standard *voir dire* regarding age, education, profession, general area of residence, and obligations or problems that may prevent them from serving on the jury:

1. Do any of you know the defendant in this case, Michael Dede?
2. Do any of you know me, any of my staff or any of the lawyers in this case:
 - Todd Blanche for the government; and
 - William Devaney and Liam Ewing for Michael Dede?
3. You may hear testimony from or hear the names of the following people:
[Please read the government's and defendants' potential witness lists]

Do any of you know any of these individuals?

If so, how do you know them?
4. Michael Dede is presumed to be innocent now and throughout the trial. This presumption of innocence stays with Mr. Dede unless and until you determine in your deliberations in the jury room after all the evidence has been presented that he is guilty beyond a reasonable doubt. Is there anyone who has any concerns about their ability to follow this presumption of innocence?

If yes, please conduct further inquiry at side bar.

5. Do any of you have any feelings that Mr. Dede must be guilty because he was arrested and charged?

If yes, please conduct further inquiry at side bar.

6. Have you, a family member or a close personal friend ever been a police officer or an officer, agent or employee of any state or federal law enforcement agency including, prosecutors' offices and prison systems?

If so, would this affect your ability to act fairly and impartially?

7. Have you, a family member or a close personal friend ever applied for such a position?

If so, would this affect your ability to act fairly and impartially?

8. Have you, a family member or a close personal friend ever been employed by a local, state or federal government in a non-law enforcement capacity?

If so, would this affect your ability to act fairly and impartially?

9. Were you ever in the military? If so,

(a) What branch?

(b) What was the highest rank you achieved?

(c) Did you serve in the military police?

(d) Any service in court martials as defense attorney, prosecutor, investigator or juror?

(e) Year of discharge from the military?

(f) Was your discharge anything but honorable?

If so, please conduct further inquiry at side bar.

10. Have you, a family member or a close personal friend ever been a judge, worked for a state or federal court systems, or attorney, been to law school or are employed in a law office? If so,

(a) Would anything about your experiences prevent you from being a fair and impartial juror?

(b) Would you be able to follow my instructions and not use your personal legal knowledge?

11. Have you ever been:

- (a) A juror in a civil case?
- (b) A juror in a criminal case?
- (c) If so, what type of case was it?
- (d) Did you reach a verdict in those cases?
- (e) Is there anything about your prior service as a juror that gives you pause about serving on the jury in this case?

12. Have you ever been a grand juror?

If so, is there anything about this experience that might affect your ability to be a fair and impartial juror?

13. Have you or a family member or a close personal friend ever been involved in a criminal case as a witness or defendant?

If so, please conduct further inquiry at side bar.

14. Other than those of you who responded to my prior question, have you, a family member or a close personal friend ever been the victim of a crime?

If so, please conduct further inquiry at side bar.

15. Have you, any member of your immediate family or a close personal friend ever been addicted to drugs?

If so, please conduct further inquiry at side bar.

16. This case involves allegations concerning heroin. Is there anything about the nature of the charges that give you pause?

If so, please conduct further inquiry at side bar.

17. The burden of proving guilt beyond a reasonable doubt rests entirely with the government. The defendant does not have to prove his innocence, produce any evidence or call any witnesses. The defendant has no burden of proof at all.

Is there anything that gives you pause about following these rules?

If so, please conduct further inquiry at side bar.

18. Under the law, a defendant need not testify. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision as to whether a defendant is guilty or not guilty. Is there anything that gives you pause about following this rule?

If so, please conduct further inquiry at side bar.

19. Some witnesses in this case will be law enforcement officers. The testimony of a law enforcement officer is not entitled to any greater or lesser weight than that of any other witness. Is there anything that gives you pause about following this rule?

If so, please conduct further inquiry at side bar.

20. As residents of New York, many of us are concerned about narcotics and crime in general. As jurors in this case, you would be required to set aside your concerns and attitudes on general issues and decide this case independently and solely on the evidence and the instructions as the Court gives them to you. Do you feel that you might find that difficult?

If so, please conduct further inquiry at side bar.

21. What civic, social or professional or other organizations do you belong to?
22. What newspapers and magazines do you read regularly?
23. What television shows do you watch regularly?
24. If you have a car, (a) what stickers are on it; and (b) what stations are preset on the car radio?

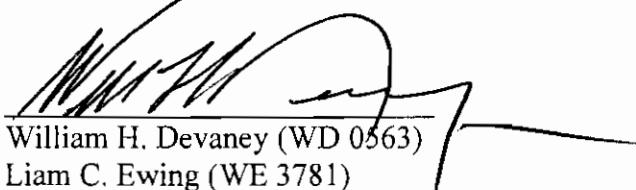
25. Do you know of any reason, or has anything occurred during this questioning period, that raises a concern or gives you pause as to whether you should serve on this jury? If there is, it is your duty to disclose this.

Please conduct further inquiry at side bar.

Dated: New York, New York
February 1, 2008

Respectfully Submitted,

By:


William H. Devaney (WD 0563)

Liam C. Ewing (WE 3781)

VENABLE LLP

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Counsel for Defendant

Michael Dede

TO: Todd Blanche, Esq.
Assistant United States Attorney

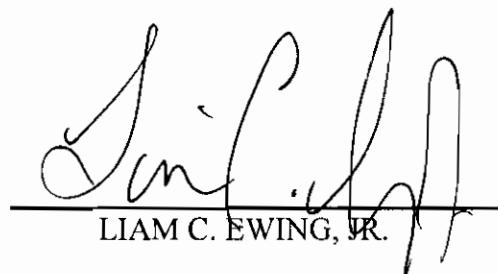
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 1st day of February 2008, I caused to be served via Electronic Filing a true copy of the within Requested *Voir Dire* of Defendant Michael Dede on Assistant United States Attorney Todd Blanche.

Dated: New York, New York
February 1, 2008



LIAM C. EWING, JR.